

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES “JIM” CORNETTE,

Plaintiff,

v.

BRANDON GRAVER, et al.,

Defendants

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No. 3:19-cv-00219-KRG

**DEFENDANT SHOPIFY (USA) INC.’S
MOTION TO DISMISS AMENDED COMPLAINT**

Pursuant to Rules 12(b)(2) & (6) of the Federal Rules of Civil Procedure, Shopify (USA) Inc. (“Shopify USA”) moves to dismiss Plaintiff James “Jim” Cornette’s Amended Complaint. In support of this motion, Shopify USA avers as follows:

1. Plaintiff’s Amended Complaint against Shopify USA should be dismissed because this Court does not have personal jurisdiction over Shopify USA. Shopify USA is not subject to general personal jurisdiction in the Western District of Pennsylvania because it does not have continuous and systematic contacts to render it “at home” in Pennsylvania. Nor did the claims “arise” from Shopify USA’s purported connections to Pennsylvania sufficient to establish specific personal jurisdiction. As such, the Court should dismiss the Amended Complaint against Shopify USA under Fed. R. Civ. P. 12(b)(2).

2. Plaintiff’s Amended Complaint fails to state any legally viable claims for relief against Shopify USA, and should be dismissed with prejudice under Fed. R. Civ. P. 12(b)(6). Shopify USA incorporates by reference all of the arguments contained in Defendant Shopify Inc.’s Motion to Dismiss Amended Complaint and Supporting Brief, as if set forth herein in full.

WHEREFORE, for the reasons set forth in its accompanying Brief, which is incorporated by reference in its entirety, Shopify (USA) Inc. respectfully requests the Court dismiss this action with prejudice.

STEVENS & LEE, P.C.

Date: March 12, 2020

By: /s/ Julie E. Ravis

Julie E. Ravis (PA 203101)
111 North Sixth Street, P.O. Box 679
Reading, Pennsylvania 19603
Telephone: (610) 478-2077
Facsimile: (610) 371-7747
E-mail: jera@stevenslee.com

Attorneys for Defendant Shopify (USA) Inc.